IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

W. A.No. 83 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.5075/2006
.....

APPELLANT: PETITIONER IN WPC

MR. CHRISTEL KUMAR J.P.,
MIDANIYOORKONAM, KIZHEKINKARA PUTHENVEEDU,
BALARAMAPURAM, THIRUVANANTHAPURAM.

BY ADV. SRI.C.C.PADMAKUMAR

RESPONDENTS: RESPONDENTS IN WPC
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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO THE GOVERNMENT OF KERALA,
GENERAL EDUCATION DEPARTMENT,
THIRUVANANTHAPURAM.

2. THE COMMISSIONER,
THE OFFICE OF THE COMMISSIONER FOR GOVERNMENT
EXAMINATIONS, THIRUVANANTHAPURAM.

BY ADV. SRI. BENNY GERGVASIS, GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 22/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A. ABDUL GAFOOR & K.R. UDAYABHANU, JJ

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C.M. Appl. No. 49/2007

&

W.A. NO. 83 OF 2007

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Dated this the 22nd day of January 2007

JUDGMENT

Abdul Gafoor,J

The appellant/writ petitioner applied for correction of date of birth in S.S.L.C. book. That attempt failed as is revealed by Ext.P6 order dated 16.08.1999. This was challenged in a writ petition filed in the year 2006. The learned single Judge found that the challenge is not maintainable because of inordinate delay and laches on the part of the petitioner and that his transfer from place to place including Ernakulam, was not a reason at all, to approach this court belatedly. The learned single Judge also found that the reasons stated in Ext.P6 by the Commissioner for Government Examinations to reject his application for correction of date of birth was also justified as the only document produced in that regard is a Baptism certificate. The adequacy of evidence is not a matter for consideration in judicial review. Therefore, the view taken by the learned single Judge is also justified.

Coming to writ appeal, there is an inordinate delay of 218 days in filing it. The only reason stated is in the following lines. "By an inadvertency I could not prefer an appeal within the time stipulated" The petitioner who sought to challenge an order passed in the year 1999 ought to have been much more vigilant. There is no ground to condone the delay . Hence the petition for condonation of delay is dismissed. Consequently, the writ appeal also stands dismissed.

K.A. ABDUL GAFOOR, JUDGE

K.R. UDAYABHANU, JUDGE.

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